

DD/A Registry

File

04/11/1-1

DDA 75-5107

28 OCT 1975

The Honorable James T. Lynn, Director
Office of Management and Budget
Executive Office of the President
Washington, D. C. 20405

Dear Mr. Lynn:

The draft general circular dealing with a new proposed major systems acquisition policy has been carefully reviewed by this Agency to determine its potential impact on our procedures and organization.

Many of the proposed recommendations having to do with management objectives and structure are already being followed by this Agency. We have long been active in joint interagency working groups in the development of major systems and believe that further promotion of this approach will bring substantial benefits to the Government.

Turning to the more substantive proposals contained in the circular, we particularly are gratified to note the recognition of the importance of basic and applied research and of the need for a broad-front approach to early development efforts. Likewise, the proposed emphasis on private industry which does almost all of our R&D work is consistent with our present practices.

The proposals for competitive development of major systems, as a general rule, allow sufficient latitude for the Agency to accomplish its mission in a manner which is in general accord with the proposal. Although the proposal to require competition among "all competent, qualified" contractors, rather than merely among an "optimum" number (as is our current practice), appears somewhat infeasible, we assume questions of competence and qualifications are peculiarly matters for Agency determination. In those cases in the past in which we have not competed at the development stage,

we have usually been working with a contractor of proven ability in the particular field who may be working at the most advanced stage of his art under conditions where time is of the essence. All such programs are closely monitored by the Director of Central Intelligence and all key decisions are made under his direction and he is responsible for them, both to Congress and to the President. The proposed circular is in accord with that practice.

We have a serious reservation as to one minor point, however. Paragraph 12(b) would allow full-scale production only after independent testing and evaluation, unless a cost benefit analysis indicates such testing would not be warranted. We believe there are considerations which should be considered other than pure economics in some circumstances. Some of our more advanced "major systems" are produced in very few units, and fabrication for deployment and use follows development by as little time as possible, due to the urgency for such deployment. While we naturally favor the fullest possible testing prior to use, the sensitivity of some of our systems even within the Agency also mitigates against "outside" testing prior to deployment. An additional exception to the requirements set out in that paragraph for "limited production runs specifically authorized by the agency head" would give us the flexibility to produce operational systems for our needs without seriously detracting from the major objective of the proposed policy.

We anticipate no problems in keeping your office informed of our procedures in implementing the proposed policy.

Sincerely,

/s/ John F. Blake

John F. Blake
Deputy Director
for
Administration

REWRITTEN:JNMCMahon:kmg (28 Oct 75) - first page only
Distribution:

Orig - Addressee

✓ 2 - DD/A

1 - OL/Official

1 - ~~Exec~~ Secretariat (11/4/75)

Originating Office:

Michael J. Malanick
Director of Logistics

24 OCT 1975

Date

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Mr. James T. Lynn, Director
Office of Management and Budget
Executive Office of the President
Washington, D. C. 20405

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Turning to the more substantive proposals contained in the circular, we particularly are gratified to note the recognition of the importance of basic and applied research and of the need for a broad-front approach to early development efforts. ~~As you may know, we have long sought to upgrade our own in-house facilities in this area and to provide adequate, permanent quarters for these activities.~~ Likewise, the proposed emphasis on private industry which does almost all of our R&D work is consistent with our present practices.

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Sincerely,

/s/ John F. Blake
John F. Blake
Deputy Director
for
Administration

REWRITTEN:JNMcmahon:kmg (28 Oct 75) - first page only

Distribution:

Orig - Addressee
2 - DD/A
1 - OL/Official

Originating Office:

/s/ Michael J. Malanick

24 OCT 1975

Michael J. Malanick
Director of Logistics

Date

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Logistics
☐ Ames Building

EXTENSION

NO.

DD/A 75-5092

DATE

24 OCT 1975

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Director for Administration
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The attached paper has been concurred in by OGC, OLC, DD/S&T, and the Comptroller's Office.

☐

24 OCT 1975

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Request for Final Position on Major System
Acquisitions Circular Proposed by the
Office of Federal Procurement Policy

REFERENCE : Memo dtd 28 Aug 75 to The Heads of Executive
Departments and Establishments from the
Administrator for Federal Procurement
Policy

1. Action Requested: It is requested that you sign the attached letter (Attachment 2) to the Director of the Office of Management and Budget. This letter provides the Agency's observations and comments on the latest version of a circular proposing an executive branch policy on revised procedures for the acquisition of major systems. Paragraph (4) of this memorandum provides a summary of positions taken in the reference memorandum which were not considered by the Agency or were not Commission on Government Procurement (COGP) recommendations.

2. Background:

a. COGP was created by PL 91-129 in November of 1969 to study and recommend to Congress methods to promote the "economy, efficiency, and effectiveness" of procurement by the executive branch. Its membership was composed of 12 individuals selected from the legislative and executive branches and from the public. The COGP report, which was officially released January 22, 1973, is the product of a 3-year study. It contains 149 recommendations intended to improve the procurement process. It is this material that is the subject of the task group reports.

b. In anticipation of the COGP's report to the Congress, the Office of Management and Budget (OMB) on December 7, 1972, announced its plan for mobilizing the

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SUBJECT: Request for Final Position on Major Systems
Acquisitions Circular Proposed by the Office
of Federal Procurement Policy

executive resources for the expeditious review and appropriate implementation of the COGP report and its recommendations. It also advised that OMB would function as the overall coordinator. Thereafter on March 19, 1973, OMB detailed the review and implementation procedures that were to be used in that endeavor. As decreed by OMB, each of the COGP recommendations was to be assigned to a task group composed of a lead agency and several participating agencies. The lead agency, together with the participating agencies, was to develop for OMB review a proposed executive branch position on each recommendation assigned, together with proposed implementing documents as might be appropriate.

c. By Executive Order 11717 dated May 9, 1973, certain staff functions then being performed by OMB were transferred to the General Services Administration (GSA). Among the staff functions transferred by Order 11717 were those concerned with coordinating the review and implementation of the COGP report. A 28 June 1973 White House memorandum advised that GSA would have full responsibility for directing and coordinating the development of proposed executive branch positions on issues raised by the COGP recommendations. It also asked that addressees designate an individual to serve as a member of the Procurement Policy Group which was to assist in carrying out the task, and that the names of agency designees be passed directly to GSA. Pursuant to a request from the Office of the Deputy Director for Management and Services, the Director of Logistics advised GSA on 9 July 1973 that [redacted] STAT
[redacted] who was the Chief, Procurement Management Staff, OL, would be the Agency's representative on the Procurement Policy Group. Subsequently, [redacted] coordinated STAT
and consolidated the responses from affected Agency components, and the letter attached as Attachment 1 was sent by Mr. Brownman to the Acting Director of the GSA component which was coordinating the executive branch position.

d. As a result of the Agency's comments and those of numerous other components of the executive branch, as well as Congressional hearings, the OMB circular of 28 August 1975 is proposed as a final position. Our analysis of

SUBJECT: Request for Final Position on Major System
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that final position in comparison to the Agency's original position follows and we recommend the letter attached hereto as Attachment 2 for your signature.

3. Staff Position: Analysis of the latest proposed Office of Federal Procurement Policy (OFPP) circular, based upon comparison with previous comments on Government procurement recommendations C-1 through C-12 is as follows:

a. Recommendation C-1 was a broad recommendation that agency needs and goals should be reconciled at the highest level with overall agency resources and capabilities. Further, agencies should specify their mission goals independently of any particular systems approach, establishing

(1) total mission costs,

(2) incremental advantage over existing and projected systems, and

(3) time for accomplishing the new capability.

Finally, the agency should consciously choose between intra-agency component competition or selection of a single component to develop system alternatives.

The task group (and the Agency) basically concurred in this approach, subject to the reservation that in some circumstances, the agency and its OMB and Congressional liaison might not quantify and define the mission in the precise terms suggested by the report. The Agency position emphasized the Management by Objective approach and the fact that Agency objectives are approved by the Director, as are the budgets submitted to OMB and the Congress.

The final report is consistent with the task group and Agency positions in that it does not seek to compel quantification of mission objectives in terms of system acquisitions but is couched in broader language. Emphasis is on avoiding premature commitment to particular hardware or to a single design concept, as the case may

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be. The agencies are given substantial latitude in deciding whether or not to have their components compete as to alternative concepts and approvals (Paragraph 10a and b).

b. Recommendation C-2 was that Congressional budget proceedings be preceded by an annual review of agency missions, capabilities and deficiencies, and the needs and goals for new acquisition programs. The task group concurred. The Agency concurred with the intent of this recommendation but urged that no particular format for Congressional hearings be made exclusive and mandatory. The proposed policy incorporates the Agency position by requiring agencies to develop procedures to inform Congress in the "normal" budget process of the relationship between agency missions, capabilities, deficiencies, needs, goals and new acquisition programs (Paragraph 14a).

c. Recommendation C-3 encouraged broad support through both the private sector and Government in-house facilities for basic and applied research, proof of concept work, and exploratory subsystem development but would have restricted subsystem development to less than fully designed hardware until it became a system candidate for a specific operational need. The task group and the Agency felt that this was too absolute an approach and opted for an approach to subsystem development as dictated by judgment and circumstances at the time.

The final recommendation does not accept the task group qualification, but does allow the agency head to authorize full subsystem development if the subsystems:

(1) are long lead-time items fulfilling a recognized generic need, or

(2) have a high potential for common use among several existing or future systems.

The exceptions above appear to offer a reasonable latitude from an otherwise rigorous policy that could be disadvantageous to our more advanced technical efforts.

SUBJECT: Request for Final Position on Major System
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d. Recommendation C-4 proposed a variety of methods for soliciting and even sponsoring alternative system candidates. The task force proposed that the COGP recommendation be expanded to encourage even more competition, although with reservations as to the practicability of the proposals in all situations for all agencies. The Agency had substantial reservation as to feasibility of wide-spread solicitation due to the sensitive nature of some Agency procurements and also urged consideration of the substantiation of ultimate cost savings before making major commitments to alternative system candidates.

The final recommendation requires solicitation of system concept design alternatives from "all competent qualified sources," primarily those in private industry. This description appears to be a blend of all the proposals described above although the original recommendation for agency sponsorship of originally unqualified or only marginal candidates (to make them qualified) appears to have been dropped. The requirement for qualified candidates would appear to warrant inclusion of security qualifications, including a limitation to contractors previously cleared or clearable but could well require the agency to engage in wider solicitation of already cleared major contractors who have not heretofore demonstrated ability in a particular field but who have demonstrated general technical competence and the basic resources to acquire and manage specific expertise. As such, the proposed policy may well inspire technical and procurement personnel to more aggressively explore alternative candidates. With this interpretation, the term "all" should not create an intolerable burden, but it may be desirable to caveat the response to Mr. Lynn with the observation that the determination of competence and qualifications is a matter within the particular determination of the Agency.

e. Recommendation C-5 proposed that alternative systems be financed by specific authorization and appropriation by agency mission area in accord with annual reviews of agency mission needs and goals. The task force generally concurred with this approach, as did the Agency subject to the qualification previously expressed as to the Agency budgeting and security processes.

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The latest proposal does not include any specific treatment of Agency budget procedures insofar as the funding of alternative systems is concerned. There is a general statement (Paragraph 13) as to the necessity for development and allocation of the R&D budget in accord with agency missions and goals, but this is consistent with our present procedures.

f. Recommendation C-6 continued to deal with alternative system developments and proposed:

(1) annual funding at a fixed level to alternative contractors with an annual review to determine the desirability of continuing with individual contractors,

(2) assigning Agency personnel with operational experience to advise competing contractors in developing requirements as trade-offs and modifications are made in the test and development process, and

(3) concentrate Agency actions during this period on monitoring and evaluating contractor activity and participating in testing critical to determining whether a candidate should be continued.

The task group demurred to the "fixed level" of funding in favor of a "fixed level of effort," and also objected to an "assignment" of agency personnel to "advise" contractors. It favored broader language such as "encouraging appropriate interaction between agency representatives . . . and a contractor."

The Agency's position was keyed to its position on recommendation C-4 that mission requirements and the limitations on funding limited the utilization of alternative development efforts in any event.

The final proposal calls for contracts during the exploration period "covering relatively short periods

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at planned dollar levels" - again, a compromise of wording that allows enough operational flexibility to cope with most foreseeable situations. The task group proposal for "appropriate interaction" has replaced the COGP recommendation and is consistent with our current practice.

g. Recommendation C-7 went to the heart of the major system acquisition "problem" by calling for agency heads to decide whether there should be competition through the "initial critical development" stages, with selected contractors then being given the operational test conditions, mission performance criteria and lifetime ownership cost factors that will be used in the final system evaluation and selection. Final development and initial production would only proceed after reaffirmation of agency goals and needs and competitive demonstration proving that the chosen approach is sound and the system should be procured.

The task group basically concurred but with a reservation as to the weight that could be given to the total cost factor because of the error inherent in predicting operating costs during the projected lifetime cycle.

The Agency concurred with the recommendation with the observation that this was an area which was primarily addressed to the Department of Defense.

The final OFPP recommendation provides for an agency head decision at four stages:

- (1) definition of mission needs and goals to be achieved by an acquisition program,
- (2) selection of competitive systems for demonstration or for noncompetitive system development,
- (3) full scale development and limited production, and
- (4) full production release.

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In general, the OFPP position is in full accord with the COGP recommendation. Emphasis is still placed upon the primacy of achieving the lowest lifetime costs despite the task group's reservations as to the margin of error inherent in that projection.

h. Recommendation C-8 provided that sole source development efforts could only be approved by the agency head, provided there was:

(1) a "strong centralized program office" within the agency to take direct technical and managerial control of the program,

(2) integration of selected technical and managerial contributions from in-house groups and contractors,

(3) a contractor selected which had proven management, financial, and technical capabilities related to the program, with cost reimbursement contracts utilized for high technical risk parts of the program, and

(4) an estimate of program costs (within a range) until the system reached the final development phase.

Both the task group and the Agency concurred with the recommendation, but the OFPP policy has now proposed a further restriction on sole source development programs. Approval for development of a noncompetitively selected major system design must still be given by the agency head, but should only be considered if there is:

(1) "extreme urgency of need with only one viable approach," or

(2) "physical and financial impracticality of demonstrating alternatives."

SUBJECT: Request for Final Position on Major System
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of Federal Procurement Policy

It should be noted that it might be difficult to genuinely find "only one viable approach" before there has been any meaningful competition for design alternatives, and, thus (2) is likely to be a more useful exception.

In addition, the original proposal made by the Commission to deal with sole source development efforts only has now been proposed to apply to all major system development efforts. However, these requirements are all consistent with current Agency practice and whether they apply to sole source or to all development is not critical to the Agency.

i. Recommendation C-9 called for broad improvement of the preproduction testing process with emphasis upon testing in an environment as closely approximating operational conditions as possible. In addition, it proposed establishing an operational test and evaluation facility for each agency, separate from both the developer and user organizations.

The task group concurred in this recommendation, as did the Agency with the exception of the requirement for a separate test and evaluation facility. It was felt that this was not warranted due to the small number and size of Agency major systems.

The OFPP recommendation follows the original COGP recommendation, but allows the agency head to exempt his agency from the requirement for independent testing if a cost benefit analysis is made which shows that release to production is clearly justified. It would appear that an imaginative approach in this area, crossing office and directorate lines, might enable the Agency to fulfill at least the spirit of this policy if it is not feasible to demonstrate the cost justification in a particular case. This might entail some loss of compartmentation, however.

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j. Recommendation C-10 called for an upgrading of the contracting function, utilizing it as an important tool of system acquisitions and not as a substitute for program management. It called for the exercise of more discretion by contracting personnel in applying contracting procedures for final development and production contracts, and in using priced production options if tested progress shows little risk in any remaining development work.

The task group and the Agency generally concurred, with the reservation that the decision to use production options should not be made by contracting officials, but should be made in concert with other key technical and program decisions made by the agency head.

The OFPP recommendation generally endorses the significance of the contracting function, without touching on the specific proposals of the COGP.

k. Recommendation C-11 called for the centralization of policymaking and monitoring responsibilities for major systems acquisitions, with one office within an agency having responsibility to:

- (1) set system acquisition policy,
- (2) monitor results of that policy,
- (3) integrate technical business management policy,
- (4) act as the secretariat for the agency head on matters requiring his decision,
- (5) establish a policy for assigning program managers,
- (6) insure that key personnel are adequately trained and have adequate experience for their responsibilities,

SUBJECT: Request for Final Position on Major System
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of Federal Procurement Policy

(7) minimize management layering and
bureaucratic delays and procedures on both the
agency and industry side of major programs.

Both the task group and the Agency concurred in these recommendations. The OFPP proposal generally adopts them without, however, specifically requiring a new unified office, calling merely for the appointment of an "acquisition executive." In addition, it makes no provision for that executive to set any policy, merely mandating him to policy implementation and practice "under this circular," a clear indication that OFPP considers itself as the sole source of any policy questions in this area. As an original innovation in this area, the latest proposal calls for the program manager to have a written charter which provides authority to accomplish recognized program objectives.

This would appear to pose no problem for the Agency and, in fact, would probably only require mere formalization of the Letter of Instruction presently used in our MBO system.

1. Recommendation C-12 called for all technical and program decisions to be delegated to the operating components except for key agency head decisions of:

(1) defining and updating the mission need
and the goals to be achieved by an acquisition effort,

(2) approving alternative systems for fabrication
and demonstration,

(3) approving the preferred system for final
development, and

(4) approving full production release.

SUBJECT: Request for Final Position on Major System
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of Federal Procurement Policy

The task group and the Agency concurred in these recommendations, and they appear in the proposed circular, with the additional provision already noted, that the agency head must also approve premature full-scale subsystem development and early decisions to not engage in competitive development.

4. Proposals for major system acquisitions made by OFPP which did not originate with COGP and were not previously commented on by the Agency include the following:

a. That each agency head in his discretion establish "dollar threshold and other criteria" for the determination of agency programs to be considered major systems. The definition then defines a major system as one which meets an "agency mission need of sufficient importance to warrant the allocation of large dollar resources and special management attention."

b. It also proposes the establishment of joint interagency working groups, where appropriate, to advance technology, reduce costs, promote standardization, and enhance the development of a competitive acquisition environment. It should be noted that the Agency's largest major system acquisition is being conducted through just such a group.

c. An additional new proposal calls for disclosure to appropriate Congressional committees of the basis for both noncompetitive and undemonstrated system concept selections during the normal budget process.

d. A final proposal calls for each agency to furnish to the Administrator for Federal Procurement Policy the agency's guidelines or policy directives implementing this circular "for review," and, within 6 months of the release date of the circular, a timetable for implementing the requirements of the circular.

[Redacted Signature Box]

Michael J. Malanick
Director of Logistics

STAT

Atts

TAB

12 June 74

Mr. William K. Thybony
Acting Director
Office of Procurement Management
General Services Administration
Washington, D. C. 20405

Dear Mr. Thybony:

Reference is made to your memorandum dated March 13, 1974, requesting an official position on the task group report on the Commission on Government Procurement's (CGGP) Recommendations C-1 through C-12.

The Central Intelligence Agency (CIA) concurs in the task group's recommendations dealing with the integrated systems approach to solving major systems acquisition problems proposed in Commission Recommendations C-1 through C-12. Although the CGGP recommendations are aimed primarily at those agencies conducting multiple large systems acquisitions, the CIA does undertake programs to upgrade its computer and communications systems and acquire collection systems which might qualify under the category of a "major" system in terms of CIA's budget. In these instances, we think our current review and operating procedures carry out the intent of the subject recommendations.

Concerning specific Commission recommendations, we offer the following comments and CIA positions:

a. Recommendation C-1

The Agency concurs in the Commission's recommendation subject to the qualifications expressed by the task group that "In implementing this recommendation, each agency should jointly agree with its OMB and Congressional liaison on the identification and definition of relevant 'mission' areas, including recognition of limitations in making long-range projections of mission capabilities, deficiencies, total mission cost, etc." Our Management by Objectives considers the needs and goals of the Agency in terms of capabilities and resources. Agency objectives are approved by the Director as well as the programs and budgets as submitted to the Office of Management and Budget and the Congress. Our programs and goals are designed to meet these review levels, and we think they should continue to do so.

OL 4-1491ab

Mr. William W. Thybony

Page 2

b. Recommendation C-2

The Agency concurs with the intent of this recommendation but believes that each agency has learned through experience and guidance from congressional committees what is the appropriate approach to congressional hearings without the application of a universal format to review missions, capabilities, and deficiencies.

c. Recommendation C-3

The Agency concurs in the task group's position suggesting alternative wording calling for the exercise of judgment regarding the extent of subsystem development and testing on a specific subsystem prior to its identification as part of a particular system/subsystem.

d. Recommendation C-4

The Agency concurs with the intent of the recommendation but is concerned as to its practical ability to literally adopt the recommendation. The sensitive nature of many Agency procurements precludes widespread solicitations. Furthermore, it is our view that the substantiation of cost savings should be considered before major commitments are made to alternative system candidates.

e. Recommendation C-5

The Agency concurs with the modified C-5 Recommendation proposed by the task group subject to consideration of the points raised in C-4 and C-1 above.

f. Recommendation C-6

The Agency position has been stated in C-4 above. Basically, the nature of our mission and the absence of criteria to determine the ability to adequately find alternative system concepts in the face of limited dollar budget levels represent major reservations to our concurrence.

g. Recommendation C-7

Although this recommendation appears to be primarily addressed to the Department of Defense, the Agency concurs in the intent of the recommendation.

Mr. William K. Thybony

Page 3

h. Recommendation C-8

The Agency concurs in the recommendation as written by the Commission.

i. Recommendation C-9

The Agency concurs with the intent of the recommendation as it applies to those agencies conducting multiple major systems acquisitions. However, in view of the small size and limited number of Agency programs, our establishment of a separate test and evaluation activity is not warranted nor do we believe it applicable to other agencies with similar levels of activities.

j. Recommendation C-10

The Agency concurs with the recommendation as modified by the task group.

k. Recommendations C-11 and C-12

The Agency concurs in the intent of these two recommendations as modified by the task group.

Sincerely,

/s/

HAROLD L. BROWMAN
Deputy Director
for
Management and Services

Distribution:

Orig - Addressee

1 - O/Compt

1 - OLC

1 - DD/S&T

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STAT OL/PMS: (14 May 74)

Distribution Withheld:

1 - OL/PMS

1 - D/L Chrono

DD/A 75-4204

5 September 1975

NOTE FOR: Director of Logistics

SUBJECT : Request for Comments on Draft of
Major System Acquisitions Circular

1. In view of the fact that the attached document from OMB relates to government procurement, would you please review. Comments should be prepared for Mr. Blake's signature.

2. ~~In view of~~ ^{with} the 31 October 1975 deadline, I would think a response should be up here for signature by 17 October.

[Redacted Signature Box]

Executive Officer, DDA

Attachment

Ltr to Heads of Exec Depts and
Establishments fr H. E. Witt,
dtd 28 Aug 75, subject as
above (DD/A 75-4156)

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Approved For Release 2003/04/29 : CIA-RDP84-00780R006300150001-8

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Active Registry
75-8313

DD/A 75-4156

August 28, 1975

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Request for Comments on Draft of
Major System Acquisitions Circular

Attached is a copy of a draft circular on major system acquisitions for your review and comments. This is the result of informal comments on the previous drafts, the recent hearings of Senator Chiles' Subcommittee on Federal Spending Practices, Efficiency and Open Government, and deliberations within the Office of Federal Procurement Policy (OFPP). The circular is based on findings and conclusions growing out of executive branch consideration of the recommendations of the Commission on Government Procurement.

We would appreciate a response prior to close of business, Friday, October 31, 1975, so that we may incorporate appropriate revisions.

Hugh E. Witt
Administrator for
Federal Procurement Policy

Attachment



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

CIRCULAR NO. A-

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Major System Acquisitions

1. Purpose. This Circular establishes policy to be followed in the acquisition of major systems from federally appropriated funds.

2. Authority. The "Office of Federal Procurement Policy Act," Public Law 93-400, 41 U.S.C. 401 et seq, the Budget and Accounting Act, 1921, the Budget and Accounting Procedures Act of 1950, Reorganization Plan No. 2 of 1970, and Executive Order 11541, July 1, 1970.

3. Background. The acquisition of major systems by the Federal Government constitutes one of the most important, vital, and expensive activities performed in the Nation. Its impact on the accomplishment of Government agency missions in such areas as defense, space, energy, and transportation, and on technology and the Nation's economy is critical. For a number of years, concern has been expressed by private citizens, Members of Congress, and representatives of industry regarding the effectiveness of the management of major system acquisitions. The report of the Commission on Government Procurement recommended fundamental changes in the process of acquiring major systems. This Circular is based on findings and conclusions growing out of executive branch consideration of the Commission's recommendations.

4. Responsibility. Each agency head shall insure that the policy provisions of this Circular are followed.

5. Application. This Circular applies to the management of the acquisition of major systems including: analysis of the agency mission, determination of mission needs and the setting of mission goals, system acquisition planning, programming, budgeting, funding, research, engineering, development, testing and evaluation, contracting,

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production, program control, and introduction of the system into use. The Circular is applicable to such acquisition programs even though some agencies may not have full responsibility for each of these functions. For instance, an agency may not procure systems for its own use but instead may create optional demonstration hardware for private sector choice, or may procure one-of-a-kind systems. Such variations do not justify the exclusion of programs from the management concepts of this Circular.

6. Definitions. As used in this Circular:

a. "Agency head" means the head or deputy head of an executive agency.

b. "Executive agency" means an executive department or an independent establishment within the meaning of sections 101 and 104(1), respectively, of Title 5, United States Code.

c. "Agency component" means a major organizational subdivision of an executive agency. For example, the Army, Navy, Air Force, and Defense Supply Agency are agency components of DOD; the Federal Aviation Administration, Urban Mass Transportation Administration, and the Federal Highway Administration are agency components of DOT.

d. "Mission need" means within an agency's overall purpose a desired capability, including cost and schedule considerations, expressed in mission terms, not equipment terms. A mission need may be the result of an identified deficiency or the result of a technologically feasible opportunity.

e. "Major system" means equipment, construction or other improvements of real property, and related programs involving the acquisition process which meet an agency mission need of sufficient importance to warrant the allocation of large dollar resources or special management attention. Dollar thresholds and other criteria for the determination of agency programs to be considered major systems under the purview of this Circular shall be at the discretion of the agency head.

f. "Acquisition process" means the sequence of activities starting with reconciliation of mission needs and goals with capabilities, priorities and resources, and

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extending through the introduction of a system into operational use or the otherwise successful achievement of program objectives.

7. General policy. The guidelines of this Circular are designed to work as an integrated whole toward the improvement of the effectiveness and efficiency of the major system acquisitions process. They are based on the general policy that Federal agencies when acquiring major systems shall:

a. Establish needs and goals based on broad agency mission definition. - c-1

b. Perform planning, programming, and budgeting built on analysis of needs, goals and missions which implies: better resource allocation resulting both from improved agency articulation of missions and goals, and from improved communication with Congress in accord with the Congressional Budget Act of 1974, Public Law 93-344 (31 U.S.C. 1301).

c. Create and explore alternative system solutions within the broad agency "mission" context -- with emphasis upon generating increased innovation, participation, and conceptual competition from industry as opposed to undue reliance upon agency internally developed concepts and/or preliminary designs.

d. Increase levels of agency early R&D funding for exploration of alternatives as relatively inexpensive insurance against the possibility that a premature or preordained choice may later prove to be either a less effective or a more costly means of fulfilling a mission need.

e. Focus competition more meaningfully on alternative design concepts as opposed to confining competition to price or performance differentiation within a single design concept.

f. Choose a final system from among alternative systems that are honed by a competitive development environment.

g. Manage systematically the entire requirements determination/development/production process.

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h. Provide appropriate managerial level for decision-making and an improved management hierarchy of authority, responsibility and accountability.

i. Provide strong checks and balances for systems destined for production through a test and evaluation organization independent of developer and user.

8. Management objectives.

a. A major system acquired by the Government must fulfill a mission need, be affordable, operate effectively in its intended environment, and demonstrate a performance level and reliability that justify the allocation of resources to its acquisition, ownership, and support. Efforts shall be made to minimize life cycle costs by including the appropriate use of technology, means to promote competition, and incentives to achieve reliability of the system in its operating environment.

b. An "acquisition strategy" must be tailored for each individual system program as soon as a determination is made to solicit design concepts which could lead to the acquisition of a new major system. Such strategy should include test and evaluation criteria and business management considerations such as: the timing of essential elements of the acquisition process, the content of proposal solicitations, whom to solicit, methods for obtaining and sustaining competition, data rights, use of warranties, need for developing contractor incentives, and selection of contract types. The contracting process should be recognized as an important tool in system acquisitions.

9. Management structure.

a. Each agency that acquires major systems, or is responsible for the activities leading to the acquisition of major systems, shall have an acquisition executive, designated by the head of the agency, who shall be responsible for the agency's integrated acquisition management process and for monitoring policy implementation and practice under this Circular. There shall be clear channels of delegation of responsibility and authority within the agency's acquisition management process. Technical and program decisions normally should be made at the operating activity or component level with clear channels of accountability within the agency. However, the

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following key approval decisions should be retained by the agency head:

- (1) Mission need and the goals that an acquisition program is to achieve.
- (2) Selection of competitive candidate systems for demonstration, or noncompetitive (single concept) system development.
- (3) Full-scale system development and limited production.
- (4) Full production release.

b. Major system acquisition programs shall be managed by a program manager, who should be designated when a decision is made to fulfill a mission objective by pursuing design concept alternatives and who, with satisfactory performance, should be retained for a sufficient period to provide reasonable continuity and personal accountability. Program managers should have an understanding of user needs and constraints, familiarity with development principles, and program management skills and experience in the following functional areas where applicable: research and development, operations, engineering, construction, testing, contracting, prototyping and fabrication of complex systems, production, finance, and business. A program manager shall have a written charter which provides authority to accomplish recognized program objectives.

c. Each agency shall rely, to the greatest extent possible, on competitively derived concepts and designs, and shall insure that management layering, staff reviews, reporting procedures and paperwork requirements placed on program managers and contractors are minimized.

d. Each agency shall develop the capability to predict, review and control costs for system development, engineering, design, test, production, and operation and support (i.e., life cycle costs). Costs, schedules and performance shall be tracked against predictions and examined by the agency head at key decision points, and new cost/schedule/benefit analyses shall be performed where significant cost, schedule or performance variances occur. Life cycle cost techniques shall be employed during concept evaluation and selection, full-scale development, facility

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conversion, and production, to insure identification and achievement of the lowest lifetime costs in consonance with the capability being acquired.

e. Joint interagency working groups should be established where appropriate as a means to advance technology and reduce system costs, promote standardization and enhance the development of a competitive acquisition environment.

10. Mission needs and goals.

a. Initiation of all major system acquisition programs should be based on an analysis of an agency's mission and a determination of needs and goals reconciled with overall capabilities, priorities and resources. If analysis of an agency's mission shows that a need for a major system exists, such a need should be defined in terms of the mission objective, agency components involved, capability, schedule and cost goals, and operating constraints. Benefits to be derived should be optimized by competitive exploration of alternatives and trade-offs of capability goals, time, and cost. Care should be exercised during the initial steps of the acquisition process not to distort needs and goals by forcing their conformance to any known or offered systems or products that might foreclose consideration of alternative design concepts or alternative approaches under a single design concept. } C - 1

b. Agencies having more than one component may compete the concepts and developments traditionally assigned to each in order to consider innovative approaches and select the most technically suitable and most cost effective approach to fulfilling a mission deficiency.

c. Each agency shall maintain a strong technology base by conducting, supporting, or sponsoring basic research, applied research, system concept studies, proof of concept work, exploratory subsystem development, and tests and evaluations in both the private sector and Government in-house technical centers relevant to the agency's assigned responsibilities.

11. Alternative systems.

a. System concept design alternatives shall be solicited from all competent qualified sources in order to

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achieve the optimum system through encouraging innovation and competition. Conceptual designs are to be primarily solicited from private industry, including smaller businesses. Federal laboratories, federally funded research and development centers, educational institutions, and other not-for-profit organizations may also be considered as sources for conceptual system designs.

b. Ideas, concepts, or technology, developed by Government laboratories or at Government expense for which Government rights have been established, may be made available to private industry through the procurement process. Industry proposals to the agency may be made on the basis of these ideas, concepts, or technology or on the basis of alternatives which industry considers superior. Requests for system concept design proposals shall contain explanations of the mission need, time, cost, and capability goals, and operating constraints. Each offerer shall be free to propose his own technical approach, main design features, subsystems, and alternatives to time, cost, and capability goals. In the conceptual and less than full-scale development stages, the contractors should not be restricted by a wide spectrum of detailed Government specifications and standards. Selections from competing proposals shall be based on a review by a team of experts from inside and outside the agency component development organization. Such a review shall consider proposed system functional and performance capabilities to meet mission needs, resources required, and benefits to be derived by trade-offs of technical performance, acquisition costs, ownership costs, time to develop and procure and the accomplishment record of competitors.

c. During the uncertain period of identifying and exploring alternative system concepts, contracts covering relatively short time periods at planned dollar levels shall be used. A timely technical review of alternative concepts will be made to effect the orderly elimination of those least attractive.

d. Programs shall be structured and resources allocated to insure demonstration and evaluation of competing alternative concepts to mission accomplishments wherever economically feasible, including competition between similar or differing concepts throughout the entire acquisition process. Contractors shall be provided with operational test conditions, mission performance criteria, and lifetime

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ownership cost factors that will be used by the agency in the evaluation and selection of the system(s) for full-scale development and production.

e. Appropriate interaction between agency representatives with relevant operational experience and participating contractors should be encouraged as necessary in developing performance and other requirements for each system alternative as tests and trade-offs are made.

f. Development of subsystems which are intended to be included in a major system acquisition program shall be restricted to less than fully designed hardware (full-scale development) until the subsystem is identified as a part of a system candidate for full-scale development. Exceptions may be authorized by the agency head if the subsystems are long lead time items fulfilling a recognized generic need or if they have a high potential for common use among several existing or future systems.

g. Approval for development of a noncompetitively selected major system design concept should be considered only if justified by factors typified by either extreme urgency of need with only one viable approach, or physical and financial impracticality of demonstrating alternatives.

12. Full-scale development and production.

a. Full-scale development, including limited production, shall not be approved until agency mission needs and goals are reaffirmed and competitive demonstration results prove that the chosen technical approach is sound.

b. Full production shall not be approved until agency mission needs and goals are reaffirmed. In addition full production shall not be approved until system performance has been satisfactorily tested independent of the agency development and user organizations, and evaluated in an environment that assures demonstration in expected operational conditions. Exceptions to the independent testing portions of this policy may be authorized by the agency head if a cost benefit analysis shows that release of a system to production is clearly justified.

c. Selection of a system and system contractors for full-scale development and production should be made on the basis of: (1) system performance measured against current

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mission needs; (2) an evaluation of estimated costs of system development, production, operation, and support; (3) program schedule; and (4) the contractor's proven management, financial, and technical capabilities as related to the requirements of the contract.

d. System tests and contractor performance relative to meeting system performance, cost, and schedule commitments shall be monitored by the program manager. Significant actual or forecast variances shall be brought to the attention of the appropriate management authority for corrective action. The acquisition executive shall be informed of such variances and corrective actions.

13. Budgeting and financing. The agency's research and development budget should reflect an appropriate balance between the general technology base in support of the agency's overall mission and the technology in support of specific mission areas. Agencies shall insure that the research and development budget is developed and allocated in consonance with mission area needs and goals. Each agency should insure that research and development is not undesirably duplicated across its mission areas.

14. Information to Congress.

a. Agencies shall develop procedures, in conjunction with the Office of Management and Budget and the various committees of Congress having oversight responsibility for agency functional responsibilities, to inform Congress in the normal budget process about agency missions, capabilities, deficiencies and needs and goals related to new acquisition programs in consonance with Section 601(i) of the Congressional Budget Act of 1974, Public Law No. 93-344.

b. Disclosure of the basis for noncompetitive and undemonstrated system concept selections shall also be made to the appropriate congressional committees in the normal budget process.

15. Implementation. Agency guidelines or policy directives implementing this Circular shall be furnished the Administrator for Federal Procurement Policy (OMB) for review. Within six months after the date of release of the Circular, each agency shall develop and submit to the Administrator for Federal Procurement Policy (OMB) a time-

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phased plan for meeting the requirements of this Circular. During this period, the agencies shall work with the Administrator to resolve implementation problems.

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DIRECTOR

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